

Message Text

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PAGE 01 STATE 084378
ORIGIN OPIC-06

INFO OCT-01 AF-10 ISO-00 EB-08 L-03 TRSE-00 COME-00
AID-05 /033 R

DRAFTED BY OPIC/GC:AKEESEE
APPROVED BY EB/IFD/OIA:RSMITH
OPIC/T:MULLER
EB/IFD/OIA:DHSTEBBING
L/M:KMALMBORG (INFO)
AF/E:PSMITH (INFO)

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FM SECSTATE WASHDC
TO AMEMBASSY LUSAKA PRIORITY

C O N F I D E N T I A L STATE 084378

E.O. 11652: GDS

TAGS: EINV

SUBJECT: TAW (A) LUSAKA 0937 (B) STATE 68448

1. DEPT. AND OPIC REGRET DIFFICULTIES ENCOUNTERED BY POST
DUE TO LACK OF DATA ON TAW CASE. PER REF (B), PARA (1),
OPIC HAD INSTRUCTED ITS ZAMBIA COUNSEL, ELLIS AND CO. TO
KEEP POST INFORMED ON WEEK TO WEEK BASIS. OPIC REGRETS
THIS NOT DONE AND WILL REINSTRUCT COUNSEL ACCORDINGLY.
ANSWERS TO QUERIES REF (A) AS FOLLOWS:

2. TAW DOCUMENTS SENT SURFACE POUCH, NO LONGER MATTER OF
CONCERN SINCE DUPLICATES HAVE BEEN HAND DELIVERED TO
COUNSEL. THANKS FOR RESPONSE TO QUERY.

3. OPIC WILL TELEX QUIRK WHY DELAY IN SEEKING POST
AUTHENTICATION HE REQUESTED. OPIC APPRECIATES POST AID
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THIS MATTER.

4. OPIC NOT AWARE OF WOODS VISIT EITHER. THANK YOU FOR
INFO.

5. STATUS OF TAW CASE AS FOLLOWS:

(A) IN NEW YORK LITIGATION BROUGHT BY TAW AGAINST CREDITORS, TAW AND WOOD SUITS WERE DISMISSED AND JUDGMENT AGAINST TAW FOR CREDITORS ENTERED IN NEW YORK SUPREME COURT IN JANUARY. OPIC CAN FORWARD COPY OF ORDER AND JUDGMENT IF POST REQUESTS. (B) OPIC HAS INSTITUTED WINDUP PETITIONS AGAINST TAW LIBERIA IN KENYA AND ZAMBIA. HEARINGS RE APPOINTMENT OF INTERIM LIQUIDATORS EITHER HAVE BEEN HELD OR ARE DUE SHORTLY IN BOTH SUITS. OPIC HAS NOT YET BEEN ADVISED OF RESULT. (C) RE ZAMBIA ARBITRATION, TAW HAS OFFERED TO COOPERATE IF CREDITORS WILL PAY LEGAL FEES. CREDITORS' COUNSEL CURRENTLY REVIEWING TAW DOCUMENTS TO ASSESS STRENGTH OF CASE. (D) RE TRUCKS OPIC WOULD APPRECIATE POST'S REQUESTING GOZ SPECIAL INVESTIGATIVE TEAM, ECONOMY AND TRADE, TO COMMENCE INVESTIGATION OF CIRCUMSTANCES OF SALE. SPECIFIC CONCERNS WOULD BE I) WHY WAS SALE PRICE SO LOW, II) WAS SALES TAX PAID, III) DID THOMAS WOOD BENEFIT IN ANY WAY (E.G., CONCEALED BENEFICIAL OWNERSHIP OF, OR KICKBACK FROM YANJANI), IV) WHAT HAS YANJANI DONE WITH THE TRUCKS, I.E., HAVE THEY BEEN SOLD

EITHER WHOLE OR AS PARTS FOR SUBSTANTIALLY MORE THAN YANJANANI PAID, V) WHAT INFO CAN BE DEVELOPED RE ZAMBEZI DEVELOPMENT FUND, LTD., THE BAHAMAS CORP. THAT OWNS 45 PERCENT OF YANJANANI, AND VI) WHAT INFO RE RELATIONSHIP OF TOM WOOD TO DOROTHY WIGHTMAN, ZAMBIA RESIDENT, PRESIDENT OF ZAMBEZI AND REPORTEDLY CLOSE FRIENDS OF WOOD IS SHE ZAMBIA CITIZEN?

6. DOES QTE PROBLEM UNQTE REF (A) PARA (6) RELATE TO CONFIDENTIAL

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TRUCKS, ARBITRATION OR BOTH? WHAT SOLUTIONS, IF ANY, HAVE THESE OFFICIALS SUGGESTED?

7. AGAIN, OPIC AND DEPT. APPRECIATE POST SUPPORT AND INITIATIVES IN THIS MATTER AND REGRET INCONVENIENCE TO POST FROM LATE DATA. QUIRK AT ELLIS HAS BEEN INSTRUCTED TO RESPOND FULLY TO ALL QUERIES FROM AMBASSADOR.

8. PURSUANT PARAS 5 AND 7 ABOVE, PLEASE PASS FOLLOWING MESSAGE TO QUIRK: QTE OPIC REQUESTS YOU PROVIDE UNITED STATES AMBASSADOR LOW WITH PERIODIC BRIEFING ON PROGRESS TAW LITIGATION AND RESPOND TO ALL QUERIES AMBASSADOR MAY HAVE RE DEVELOPMENTS IN THE CASE. ALSO, PLEASE ADVISE BOTH OPIC AND THE AMBASSADOR WHETHER YOU PERCEIVE ANY ADVERSE EFFECT ON WINDUP ACTION, OR CREDITOR'S POSITION GENERALLY, FROM REFERRAL OF FACTS OF TAW YANJANANI TRUCK SALES TO SPECIAL INVESTIGATIVE TEAM, ECONOMY AND TRADE, GOVERNMENT OF ZAMBIA. THANK YOU. KEESEE/OPIC UNQTE. VANCE

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Message Attributes

Automatic Decaptioning: X
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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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Disposition History: n/a
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